

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PHIL RUTHERFORD and PAMELA
PENNY-RUTHERFORD,

Plaintiffs,

v.

LAND HOME FINANCIAL SERVICES;
et al.,

Defendants.

3:11-cv-0769-LRH-VPC

ORDER

Before the court is defendants GMAC Mortgage, LLC (“GMAC”) and Executive Trustee Services, LLC’s (“ETS”) motion to stay the current proceedings pending the decision of transfer by the Judicial Panel on Multi-District Litigation and subsequent order of remand. Doc. #4.¹

In 2009, the United States Judicial Panel on Multi-District Litigation (“panel”) consolidated numerous cases in which plaintiffs allege that MERS engaged in improper business practices when processing home loans. The panel assigned Judge James A. Teilborg in the District of Arizona to oversee these cases, and he will preside over all issues (discovery, dispositive motions, settlement) except for trials. *In re: Mortgage Electronic Registration Systems (MERS) Litigation*, MDL No. 2119. In its decision to create this MDL litigation, the Panel consolidated nine cases from Nevada,

¹ Refers to the court’s docket entry number.

1 but noted that additional “tag-along” cases with similar factual issues could be added to the list of
2 consolidated cases.

3 Following the panel’s decision, defendants moved to add numerous “tag-along” cases
4 to the MDL, one of which is the current matter *Rutherford v. Land Home Financial Services*, 3:11-
5 cv-0769-LRH-VPC. On December 1, 2011, the panel granted the request to add the present case to
6 the pending multi-district litigation. Doc. #17.

7 Therefore, based on the transfer and consolidation of this matter with the MDL, the court
8 finds that it would be improper to proceed on the present action until Judge Teilborg determines
9 which defendants and claims are to be remanded to this court. Accordingly, the court hereby stays
10 all proceedings in this case pending a subsequent order of remand by Judge Teilborg.

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12 IT IS THEREFORE ORDERED that defendants’ motion to stay (Doc. #4) is GRANTED.

13 IT IS FURTHER ORDERED that all proceedings in this case are STAYED pending Judge
14 Teilborg’s order to remand defendants and claims back to this court.

15 IT IS SO ORDERED.

16 DATED this 3rd day of January, 2012.



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18 LARRY R. HICKS
19 UNITED STATES DISTRICT JUDGE
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